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Letter dated 21 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Andorra, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for the text of the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

[Original: English]

Letter dated 21 December 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Andorra to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001)

At the request of my Government, I have the honour to transmit to you the report to be submitted by the Principality of Andorra to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001) (see enclosure).

My Government will be happy to provide the Committee with such additional information as it considers necessary.

I should be grateful if you would arrange for the text of the present letter and its enclosure to be circulated as a document of the Security Council.

(*Signed*) Roser **Suñé-Pascuet**
Chargé d'affaires a.i.

Enclosure

Report submitted pursuant to Security Council resolution 1373 (2001)

Andorra expresses its profound solidarity and strongly condemns the monstrous terrorist attacks against the American people. It also reaffirms its determination to combat all forms of terrorism by all means at its disposal. In this regard, Mr. Marc Forné, Head of Government of Andorra, has expressed his heartfelt condolences and the solidarity of the Principality of Andorra, a sentiment which was reiterated by Mr. Juli Minoves, Minister for External Relations, in his statement to the Council of Europe at the 109th session of the Committee of Ministers, held on 8 November 2001.

Andorra's interest in combating terrorism is evident in the preamble of its Constitution, which states: "The Andorran people (...) [are] eager to use every endeavour to promote values such as liberty, justice, democracy and social progress, and to keep and strengthen the harmonious relations of Andorra with the rest of the world, and especially with the neighbouring countries, on the basis of mutual respect, coexistence and peace."

In this regard, Andorra is at the disposal of the Counter-Terrorism Committee and is prepared to cooperate in the preparation of the report on measures taken to give effect to resolution 1373 (2001).

This report was prepared in close collaboration with all the ministries concerned, namely, the Ministry of Finance, the Ministry of the Interior, the Unit for the Prevention of Money Laundering (Unité de Prévention du Blanchiment - UPB) and the Ministry for External Relations.

We are entirely at the disposal of the Counter-Terrorism Committee and will be happy to provide any additional information that may be necessary. We will welcome further recommendations.

Paragraph 1: All States shall:

(a) Prevent and suppress the financing of terrorist acts

According to the International Convention for the Suppression of the Financing of Terrorism, of 9 December 1999 (as well as resolutions 46/51, of 1991; 49/60, of 1994; 51/210, of 1996 and 53/108, of 1998), the following offences are directly related to and help finance terrorism: money laundering, drug trafficking, illicit arms trafficking and the smuggling of nuclear materials or other potentially lethal materials.

Money laundering

The Convention includes a number of provisions relating to the identification, detection and freezing or seizure of any funds used or allocated for the purpose of committing terrorist offences (article 8).

Andorra recently signed the following conventions condemning terrorism, the financing of terrorism and money laundering:

- Criminal Law Convention on Corruption
- Civil Law Convention on Corruption

– United Nations Convention against Transnational Organized Crime

The Criminal Law Convention on Corruption, done at Strasbourg on 27 January 1999, establishes as criminal offences acts involving the laundering of proceeds from corruption offences, account offences and corporate liability (articles 13, 14 and 18).

The Government of Andorra has also signed the Civil Law Convention on Corruption, done at Strasbourg on 4 November 1999, which provides measures to be taken to prevent money laundering (article 10).

Andorra has signed a number of United Nations conventions having similar purposes. On 12 November, 2001, for example, it signed the United Nations Convention against Transnational Organized Crime, which criminalizes and establishes measures for combating the laundering of proceeds of crime (articles 6 and 7).

Andorra had already been concerned about preventing this offence. On 28 July 1999, it ratified the European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, article 6 of which defines laundering offences.

A number of legal instruments have also been enacted at the national level.

Firstly, on 11 May 1995, the Andorran General Council adopted the law on the protection of bank secrecy and prevention of the laundering of money or securities constituting the proceeds of crime. This law requires banking entities to adopt such measures as may be necessary to prevent all kinds of acts involving the laundering of money or securities. These entities are required to identify their clients and any third parties participating in the transaction and to monitor all transactions conducted by each one of them. In 1998, for example, 10 reports were drafted. More recently, on 29 December 2000, the law on international cooperation in criminal matters and prevention of the laundering of money or securities constituting the proceeds of international crime (which abrogates the 1995 law) was passed. This new law provided for the establishment in Andorra of the Unit for the Prevention of Money Laundering (Unité de Prévention du Blanchiment - UPB). All statements, reports and claims concerning suspicious acts are centralized in this Unit, which may issue formal justified requests for information on and documents of persons under obligation, in order to monitor the application of the law. The Unit may also obtain information through the police or in cooperation with similar agencies in other countries. In addition, it provides financial institutions with a "black list" of organizations and individuals, so that they can be on guard.

In the case of potential administrative or criminal offences, the Unit is required to submit the relevant records to the competent public authorities, along with proposed legislation or regulations relating to the prevention of money laundering (article 53).

Under this law Andorran financial establishments and insurance and reinsurance companies, as well as other individuals or corporations who, in the exercise of their professional or business activities, carry out, control or provide advice on transactions involving movements of funds or securities, are required to report to the Unit for the Prevention of Money Laundering. Such reporting must cover all transactions or intended transactions relating to money or securities which they suspect might involve money laundering (articles 45 and 46).

In particular, the law establishes reporting requirements for external accounting professionals and tax advisors, real estate agents, vendors of high-priced goods (when payment is made in cash and involves an amount equal to or higher than 15,000 euros); equally important is the fact that notaries and other independent legal professionals who assist with the planning or execution of transactions for their clients in the context of certain activities are also required to report. The activities in question may involve the purchase or sale of real estate or commercial enterprises, the handling of cash, securities or other assets of clients and the opening or management of bank accounts, savings accounts or securities. They may also involve the organization of contributions relating to the creation, management or administration of corporations and the establishment, management or administration of corporations, trusts or similar structures.

Finally, gambling establishments are also required to report to the Unit for the Prevention of Money Laundering.

This law has been applied quite successfully. Since last summer, when the Unit was created, it has received 22 reports, one of which made it possible to confiscate $1.8 million.

In addition, the Unit has organized training courses on the detection and monitoring of potential money-laundering operations. These courses are designed for persons required to report under article 45. So far, training of police officers has begun, and courses for real estate agents are planned.

Persons under obligation to report and, in particular, financial establishments, are required to set up an oversight body to monitor internal communications in order to prevent money-laundering transactions from taking place. This body is responsible for monitoring and continually reporting all suspicious transactions; for training all staff members, especially those who are in contact with clients; for drawing up internal rules and regulations and, finally, for conducting an annual internal audit to be transmitted to the Unit for the Prevention of Money Laundering.

The following articles of the Criminal Code of Andorra deal with this question:

- Article 145 provides that anyone who has committed an act intended to conceal the source of money or securities representing the proceeds of drug-trafficking, kidnapping, procurement or terrorism offences, or who has used such money or securities for licit purposes but who knows or should have known the source thereof shall be imprisoned for up to eight years and pay a fine of up to 20 million pesetas (approximately 120,202 euros).
- Article 146 provides that, in the case envisaged in the previous article, if the perpetrator acts for the purpose of making a profit or takes part in an association for the purpose of committing offences or laundering money or securities representing the proceeds of offences committed abroad, the penalty shall be ten years imprisonment and a fine of 80 million pesetas (approximately 480,810 euros).
- Article 147 stipulates that the two preceding articles shall apply even if the main offence was committed abroad, provided that it is punishable by the criminal law of Andorra. In any event, the money and securities referred to in the aforementioned two articles shall be confiscated.

- Article 303 provides that anyone who fails to exercise due diligence or who through any other type of negligence, imprudence or incompetence commits the offence mentioned in article 145 of this code shall be imprisoned for up to one year and pay a fine of up to 5 million pesetas (approximately 30,050 euros).

Independently of these legal norms, on 9 April 1990, the different banking entities of the country concluded an agreement (code of ethics) relating to their obligation to exercise due diligence, with a view to encouraging cooperation with the judicial authorities when it was suspected that a transaction might be designed to use the financial system to launder money representing the proceeds of criminal activities such as terrorism, banditry and drug trafficking.

In this regard, the financial establishments stress that there are no anonymous accounts in Andorra. Although there are numbered or other types of account, the account holders are clearly identified and monitored by the banks.

This agreement was drawn up in response to the recommendation made by the Council of Europe on 27 June 1980 and the Statement of Principles adopted at Basel in December 1988 by the oversight authorities of the Group of Ten countries.

Drug trafficking

Andorra acceded to the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances on 27 January 1999. Article 3 of the convention establishes the offences and sanctions that fall under this category.

As far as domestic legislation is concerned, there is a law on the protection of bank secrecy and prevention of the laundering of money or securities representing the proceeds of crime. This law provides for Andorran and foreign authorities to cooperate in preventing the laundering of the proceeds of drug trafficking and organized crime (article 17).

In addition, the Penal Code provides that the introduction, export, manufacture, transport, transfer or any type of illicit trafficking of toxic drugs (...) shall be punishable by imprisonment of up to twenty years (article 161). It also provides for a maximum five-year term for the same offence when smaller amounts are involved (article 163).

Illicit arms trafficking and smuggling of nuclear material or other potentially lethal materials

The Andorran legal system includes a number of provisions relating to arms trafficking. Firstly, a decree of 3 July 1989 regulates the possession, use and distribution of firearms. In particular, sections II and III list the prohibited weapons and imitations of prohibited weapons and those which may not be carried.

Secondly, the Penal Code establishes penalties for illicit possession of firearms (articles 289 and 290), as well as for the stockpiling, import, export, sale or transit, real or fictitious, through the Principality, as well as the manufacture of prohibited arms or imitations of such arms, envisaged in section 2, article 2, of the decree of 3 July 1989, except those mentioned in paragraph 8. Such offences are punishable by imprisonment of up to ten years; illegal carrying of one or more of such arms (...) is punishable by imprisonment of up to five years (articles 89 and 90).

Thirdly, article 93 states that the import, purchase, sale, possession, carrying and repair of regulated arms or the manufacture of regulated munitions, without the necessary permits, authorizations or licenses shall be punishable by imprisonment of up to three years, except in the cases envisaged in articles 289 and 290 of this code. Smooth-barrelled hunting guns are exempted from the provisions of this article.

Along the same lines, article 95 provides that the illegal sale of regulated handguns to anyone who is not a resident of the Principality shall be punishable with imprisonment of up to four years.

Finally, anyone who carries out international transactions with regulated arms which involve real or fictitious transit through the Principality shall be imprisoned for up to eight years. As regards explosives, the purchase, sale, possession or import of explosives not intended for use in an authorized activity shall be punishable with imprisonment of up to ten years (articles 96 and 98 respectively).

Corruption

Corruption may be understood as a means of financing terrorism in such a way to prevent the proceeds of criminal activity from being traced.

In November 2000, in the framework of the Council of Europe, Andorra signed the Criminal Law Convention on Corruption and the Civil Law Convention on Corruption.

The Criminal Law Convention provides penalties for passive or active corruption, at the international or national levels, on the part of public-sector employees and officials, as well as of private-sector employees or managers (articles 2-11).

The Civil Law Convention establishes civil liability for acts of corruption.

The Andorran Penal Code provides that anyone who for illicit purposes bribes an authority, a representative of the authority or a public official shall be punished by imprisonment of up to five years (...) and the representative of the authority or the public official who receives a bribe shall be punished by imprisonment of up to six years and three years respectively (article 105).

(b) Criminalize the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts;

The Andorran Penal Code provides that anyone who collects funds for the benefit of such organizations or groups shall be imprisoned for up to eight years. If violence or intimidation is used in obtaining such funds, the applicable penalty shall be twelve years (article 84).

Under article 82, the organizations in question are understood to be those that have jeopardized the security of the Principality or disturbed the peace and public order by means of arms or explosives or by committing attacks.

(c) Freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or

generated from property owned or controlled directly or indirectly by such persons and associated persons and entities;

Andorra acceded to the 1990 Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime on 28 July 1999. This convention provides for measures to be taken to confiscate instruments and products or goods the value of which represents an economic advantage obtained from criminal offences.

The Convention also provides for competent authorities, in the context of an investigation, to order the seizure of bank, financial or commercial records, the tracing of bank accounts, as well as monitoring, interception of telecommunications, access to computer systems and orders to produce specific documents (article 4).

Articles 13, 14, 15 and 16 cover the obligation to confiscate, execution of confiscation and confiscated property.

When it acceded to the Convention, Andorra issued a statement to the effect that the Andorran legal system already covered practically all the measures referred to in the Convention, and that its accession therefore would only entail making minor changes in its legal system which would be taken into account in future legislative proceedings. It also entered reservations relating to the criminal offences or categories of criminal offences established under Andorran legislation in connection with the laundering of money or securities representing the proceeds of crime.

Andorra's domestic rules on the freezing of assets are set forth in the following:

The Penal Code:

- Article 147. (...) states that in all cases, money and securities envisaged in these same articles shall be confiscated...
- Article 37, paragraph 5 also provides for the confiscation of the instruments used in committing of the offence.

The law on international cooperation in criminal matters and prevention of the laundering of money or securities constituting the proceeds of international crime, of 29 December 2000 (referred to above).

- Article 38 provides for international legal cooperation in connection with requests for confiscation of instruments used to commit an offence or the proceeds, money, securities or goods so obtained.
- Article 47 provides that the Unit for the Prevention of Money Laundering may provisionally block a transaction if it considers such action to be justified by the evidence. The transaction may not be blocked for more than five days, the maximum time limit within which the Unit is required by law to transmit the action to the government attorneys' office if the evidence is confirmed.

(d) Prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons;

Making available funds, financial assets or economic resources to persons who attempt to commit acts of terrorism is prohibited in articles 145 and following of the

Penal Code. Non-profit organizations may also be potential vehicles for such transfers of funds.

In this regard, the activities of these agents are regulated by the law on associations, which entered into force on 29 June 2001. This law envisages the creation of a registry of associations, which are required to present the necessary documents of incorporation, including a list of their membership and a statement of their assets.

The Andorran government regulations establish how it shall determine what additional accounts must be provided by all associations receiving public subsidies.

Non-profit organizations set up in Andorra are also subject to monitoring through their banking transactions, and thus are fully identified by the persons under obligation to report.

Andorran legislation on corporations does not allow for the establishment of off-shore companies, trusts, front companies, etc., which would make it more difficult to identify the final beneficiaries. Two-thirds of a company's capital must be held by Andorrans or by foreigners who have resided in Andorra for at least 20 years.

Finally, Andorran legislation does not allow for bearer titles, since shareholders must be fully identified in company by-laws.

In any event, the possibility that such organizations might be used to finance terrorism or might have other ties with terrorism is envisaged in the Penal Code, articles 82, 83 and 84.

Paragraph 11: Decides also that all States shall:

(a) Refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists;

As mentioned above, the Penal Code provides penalties for the possession of illicit firearms (articles 289 and 290).

In addition, the Penal Code provides a number of penalties for anyone who provides support for organizations and groups that have endangered the security of the Principality or disturbed the peace and public order through the use of arms or explosives, or by committing attacks (article 82).

The Penal Code defines support as:

- anyone who has found lodging or provided any kind of means for members of these organizations shall be punished by imprisonment of up to eight years (article 85),
- anyone who provides or procures arms or explosives for terrorists or armed groups shall be punished with imprisonment of up to fifteen years, without prejudice to a higher penalty being imposed for other offences (article 86),
- support to organizations may also be considered to be the justification of offences or organizations or groups covered by the preceding articles. Such activities are punishable by six years imprisonment.

In addition, on 29 June 1998, the Principality of Andorra ratified the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction.

It is currently studying other conventions as well.

(b) Take the necessary steps to prevent the commission of terrorist acts, including by provision of early warning to other States by exchange of information;

The Unit for the Prevention of Money Laundering referred to above (first paragraph, subparagraphs (a) and (c)) is empowered to cooperate with similar agencies in other countries.

The ministries concerned are also studying the possibility of adhering to the European Convention on Mutual Assistance in Criminal Matters.

In principle, Andorra normally conducts mutual assistance procedures through diplomatic channels, by means of letters rogatory between the different States.

Nevertheless, as a rapid warning mechanism, the authorities of a requesting State may also address their requests to the Andorran judicial authorities through Interpol. The National Central Bureau (OCN-Andorra) contacts the criminal authorities directly and reports to the Minister of the Interior, the judge who prepares the document, then accepts the letter rogatory and determines what measures are to be taken.

Once the letter rogatory has been executed, the judge reports to the Ministry for External Relations so that it can be sent by diplomatic channels as an priority matter, and the requesting State can be notified.

The legal basis for this procedure is, on the one hand, article 52 of the transitory law on judicial procedures, and on the other, Title One of the recently enacted law on international cooperation in criminal matters and prevention of the laundering of money or securities constituting the proceeds of international crime. This law provides that in urgent cases, the judicial authorities of requesting States may also address the Ministry for Foreign Affairs directly or through Interpol.

In general, Andorra has collaborated in matters pertaining to the laundering of money or securities representing the proceeds of crime based on its domestic legislation and the principle of reciprocity, particularly in regard to requests made by means of letters rogatory.

(c) Deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens;

Andorra has no legislation on the right of asylum.

Nevertheless, article 5 of the Constitution of the Principality of Andorra incorporates the Universal Declaration of Human Rights into its legal system. These rules are to be applied directly, and consequently, article 14, on the right of asylum, would be applicable in Andorra.

However, article 14 of the Andorran law on extradition establishes limitations that must be taken into consideration in making a decision on the matter. In particular, paragraph two provides that extradition may be denied in cases where the events giving rise to the request are political in nature or when circumstances are such that extradition is requested for political reasons. In such cases, if an extradition request is denied, that in itself would be an affirmation of the right of asylum. This would also be true in the case of paragraph four, whereby extradition may be denied when there are serious reasons to believe that an extradition request relating to an offence

under ordinary law has in fact been made for the purpose of persecuting or punishing a person because of that person's race, religion, nationality or political views or when the situation of the person might be aggravated by any of those reasons.

Nevertheless, up to now, Andorra has not received any requests for asylum.

(d) Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens;

The sphere of application of the Penal Code is established in article 2, which states that the Code shall apply to all offences and violations committed in the territory of the Principality.

Andorran citizens or foreigners who commit acts of terrorism in Andorra or Andorrans who commit such acts abroad may be prosecuted by the Andorran authorities (article 4 of the Penal Code).

The various criminal laws concerning terrorism and the financing of terrorism mentioned above have been enacted so as to meet the obligation to prevent the different acts mentioned in the resolution.

(e) Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts;

Andorra's legislation contains few provisions directly concerned with terrorism, which have already been mentioned, to wit:

- Article 145 of the Penal Code includes a direct reference, i.e., that a terrorist offence (...) shall be punishable by imprisonment of up to eight years and a fine of up to 20 million pesetas (approximately 120,202 euros).
- Article 230 provides that anyone who through violence or intimidation seizes or takes control of an aircraft or a motor vehicle carrying passengers shall be imprisoned for up to ten years.
- Article 82 states that anyone who (...) uses arms or explosives or commits attacks shall be imprisoned for up to twenty years.
- In this regard, another potential terrorist act is mentioned in article 118, which states that those who as a group endanger public peace and inflict wounds or taunt individuals or damage property shall be imprisoned for up to two years and six months.
- Finally, article 88 establishes a maximum prison term of three years for anyone who participates in groups considered to be paramilitary in nature, by virtue of their organization, uniform or emblems or because they incite to armed action.

(f) Afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings;

In criminal investigations, police cooperation is provided in three different ways.

In the first place, it usually consists of a rapid and spontaneous exchange of information between the police of Andorra and those of Spain, France and other neighbouring States. Such mutual cooperation has been practiced for a long time. However, two protocols on police cooperation have been concluded with the Spanish authorities.

Secondly, cooperation is provided by means of Interpol.

And finally, through letters rogatory. In this case, assistance may be requested so as to obtain evidence needed for the proceedings. Law on international cooperation in criminal matters and the prevention of laundering of money or securities constituting the proceeds of international crime (article 20 and following).

(g) Prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents;

In order to prevent the counterfeiting of passports, Andorra follows the rules of the International Civil Aviation Organization (ICAO) regarding official travel documents. These rules have been followed since 19 April 1995, even before Andorra's adherence [to them] on 26 January 2001.

These security measures allow for strict surveillance and prevent potential counterfeiting. They are also applied in connection with immigration papers.

Nevertheless, the Penal Code includes certain provisions regarding counterfeiting, forgery or the fraudulent use of documents, as follows:

- Anyone who forges a public or official document shall be imprisoned for up to five years (article 148);
- When the forgery has been carried out by a public official in the exercise of his duties, the penalty shall be up to seven years imprisonment (article 149);
- Anyone who uses or consciously obtains false documents shall be imprisoned for up to three years (article 151). This applies to identity papers, passports, driver licenses or arms permits or any other document normally issued by a competent authority.
- The possession in bad faith or the unjustified possession of any type of false document shall be punishable by imprisonment of two years and one month (article 152);
- In the case of blank false documents, the punishment shall be imprisonment for two years and one month (article 153);
- Finally, anyone who assigns, sells or provides false documents shall be imprisoned for six years (article 154).

Paragraph III: Calls upon all States to:

(a) Find ways of intensifying and accelerating the exchange of operational information, especially regarding actions or movements of terrorist persons or networks; forged or falsified travel documents; traffic in arms, explosives or

sensitive materials; use of communications technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups;

Andorra has been a member of the International Criminal Police Organization (ICPO-Interpol) since 27 November 1987, and pursuant to a special resolution adopted by the General Assembly of Interpol on 25 September 2001, has undertaken to intensify its efforts to combat terrorism.

(b) Exchange information in accordance with international and domestic law and cooperate on administrative and judicial matters to prevent the commission of terrorist acts;

Title One of Andorra's law on international cooperation in criminal matters and prevention of the laundering of money or securities constituting the proceeds of international crime provides mechanisms for exchanging information and for international mutual assistance on legal matters.

(c) Cooperate, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts;

Andorra has begun to participate in international communications channels which are gradually centralizing and redistributing information on individuals or companies which might be engaged in money-laundering activities. For example, the Unit for the Prevention of Money Laundering contacted the counterpart agencies in France (TRACFIN) and Spain (SEPBLAC) with a view to cooperating in the exchange of information and the tracing of fraudulent transactions. These bilateral agreements were concluded and were in force before March 2002; in the case of SEPBLAC, before the end of the year. Andorra had already demonstrated its willingness to cooperate with neighbouring States even before the entry into force of these agreements. In this regard, three requests were executed with TRACFIN and one with SEPBLAC. The spontaneous exchange of information has brought positive results. Moreover, in a telephone conversation with the American Under-Secretary of the Treasury, the Minister for External Relations conveyed the proposal made by the Minister of Finance to enter into bilateral cooperation between Andorra's United for the Prevention of Money Laundering and the American counterpart agency. In addition, the Unit will join the Egmont Group of Financial Intelligence Units at its plenary meeting in June in Monaco; this organization is a grouping of all financial intelligence units in the world (FIUs). Thus, Andorra will participate in the exchange of information and cooperation at the global level.

(d) Become parties as soon as possible to the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999;

The Government of Andorra wishes to reaffirm its active rejection of terrorism. To this end, it lists below the conventions on the matter to which it has adhered, those it has signed recently and finally, those it is considering signing.

Conventions to which Andorra has acceded:

- Andorra acceded to the International Criminal Police Organization on 27 November 1987;

- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, on 18 September 1997;
- United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, on 27 January 1999;
- European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, on 28 July 1999;
- European Convention on Extradition, ratified on 11 May 2000;
- And finally, the Rome Statute of the International Criminal Court, signed on 17 July 1998, and ratified on 30 April 2001.

Conventions signed by Andorra after the attacks against the United States:

- The Government of Andorra signed the International Convention for the Suppression of the Financing of Terrorism, done at New York on 9 December 1999;
- The United Nations Convention against Transnational Organized Crime, done at New York on 15 November 2000;
- In the context of the Council of Europe, it signed the European Convention on the Suppression of Terrorism, which was opened for signature at Strasbourg on 27 January 1977;
- The Criminal Law Convention on Corruption, opened for signature at Strasbourg on 27 January 1999;
- The Civil Law Convention on Corruption, also opened for signature at Strasbourg on 4 November 1999.

In addition, other conventions drawn up by the United Nations, the International Civil Aviation Organization and the Council of Europe with a view to providing instruments for combating terrorism are under study at this time.

(e) Increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism and Security Council resolutions 1269 (1999) and 1368 (2001);

With regard to Security Council resolutions 1269 (1999) and 1368 (2001), the Government of Andorra, in its desire to cooperate and express its condemnation of all terrorist acts, methods and practices, has signed all the conventions that have been drawn up on the matter.

The necessary legislative steps for the application of the conventions that were signed in November 2001 are currently being drawn up.

(f) Take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts;

In principle, the Andorran legal system has no rules regarding the right of asylum (this was mentioned above, in the second paragraph, subparagraph (c)).

On the other hand, in order to become a legal resident of Andorra, an immigration application must be presented to the Immigration Service (decree regulating the Immigration Service of 15 February 1996, article 1). This request may, however, be denied under the terms of the basic decree on immigration of 26 June 1980, which provides for a background check to be made of the person concerned; that, in turn, may lead to an immigration permit being refused (subparagraph III.7).

In this regard, the police authorities (article 3(c) are competent to check the judicial and police records of foreigners and to enforce public order in general.

An immigration application from a person who participates in the financing, organization, preparation or perpetration of terrorist acts would be denied if the background check shows that there is reason to do so. When an immigration application is refused, the applicant would then be asked to leave Andorra within a short time. If necessary, an order of expulsion and escort to the border would be executed, pursuant to article 14.2 of the Viguiers decree on residence of foreigners, of 3 July 1980.

(g) Ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists;

The Andorran extradition law stipulates that acts that are punishable under the laws of the requesting State and the requested State (...) shall be grounds for extradition (article 2).

As indicated above, the Penal Code includes several provisions on terrorism. Thus, the financing, organization, preparation or perpetration of terrorist acts shall justify an extradition request.